

REMARKS

In the non-final Office Action, the Examiner rejects claims 1 and 3-19 under 35 U.S.C. § 102(b) as anticipated by WALL et al. (U.S. Patent Application Publication No. 2003/0140056). Applicant respectfully traverses this rejection.

By way of the Amendment, Applicant amends claims 1, 4, 5, and 8-16 to improve form. Claims 3, 6, 7, and 17-19 have been canceled without prejudice or disclaimer, and claims 20-24 have been added. No new matter has been added by the present Amendment. Claims 1, 4, 5, 8-16, and 20-22 are pending.

Rejection under 35 U.S.C. § 102(b) based on WALL et al.

Claims 1, 4, 5, and 8-16 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by WALL et al. Applicant respectfully traverses this rejection.

A proper rejection under 35 U.S.C. § 102 requires that a reference teach every aspect of the claimed invention. Any feature not directly taught must be inherently present. See M.P.E.P. § 2131. WALL et al. does not disclose the combination of features recited in Applicant's claims 1, 4, 5, and 8-16

Amended independent claim 1 is directed to a method comprising capturing, by a user device, electronic media, determining, by the user device, in response to the capturing the electronic media, a geographic location of a user of the user device, associating, by the user device, the geographic location of the user with a fix point on a map, based on the determined geographic location, and associating, by the user device, the captured electronic media with the fix point on the map, based on the geographic location. WALL et al. does not disclose or suggest this combination of features.

For example, WALL et al. does not disclose or suggest determining, by the user device, in response to the capturing the electronic media, a geographic location of a user of the user device. The Examiner relies on “GPS #18 embedded in information retrieval system #10” for allegedly disclosing “determining a position of said user” (non-final Office Action, p. 3). Applicant notes that the Examiner does not identify section(s) in WALL et al. allegedly disclosing the above feature but merely cites elements of the system of WALL et al. Accordingly, if this rejection is to be maintained, Applicant requests that the Examiner provides section(s) in WALL et al. allegedly disclosing features of the claim.

Nevertheless, Applicant submits that WALL et al. does not disclose or suggest determining, by the user device, in response to the capturing the electronic media, a geographic location of a user of the user device, as recited in claim 1, as amended. WALL et al. merely discloses that the global positioning system (GPS) 18 interacts with two or more satellites to determine the position of the user retrieval device 12 (paragraph [0018] of WALL et al.). WALL et al. does not disclose or suggest that the GPS 18 determines a geographic location of a user of the user retrieval device 12, in response to the user retrieval device 12 capturing electronic media, as would be required of WALL et al. based on the Examiner's interpretation of claim 1. WALL et al. does not disclose or suggest determining, by the user device, in response to the capturing the electronic media, a geographic location of a user of the user device, as recited in claim 1.

Since WALL et al. does not disclose or suggest determining, by the user device, in response to the capturing the electronic media, a geographic location of a user of the user device, WALL et al. cannot disclose or suggest associating, by the user device, the geographic location of the user with a fix point on a map, based on the determined geographic location, and

associating, by the user device, the captured electronic media with the fix point on the map, based on the determined geographic location, as also recited in claim 1, as amended.

Nevertheless, the Examiner relies on paragraph [0026] of WALL et al. for allegedly disclosing “associating said obtained electronic media data with said fix point” (non-final Office Action, p. 3). Applicant respectfully disagrees with the Examiner's interpretation of WALL et al. and submits that neither this section nor any other section of WALL et al. discloses or suggests associating, by the user device, the captured electronic media with the fix point on the map, based on the determined geographic location, as recited in claim 1, as amended.

At paragraph [0026], WALL et al. discloses:

The processor 42 searches the one or more databases 16 to gather information concerning one or more geographical sites within a given distance of the user information retrieval device 12. This is accomplished using the position coordinates of the user information retrieval device. The processor 42 chooses a given distance around the position coordinates to search for geographical sites within the radius of the given distance. The processor 42 adjusts the given distance based on the amount of information the processor 42 gathers from the one or more databases 16. For example, if the user information retrieval device 12 is in a city such as Washington, D.C., the amount of information retrieved is significant compared to the amount of information retrieved in rural parts of the United States for the same given distance. Thus, in some cases, the processor limits the information transmitted to the user information retrieval device using parameters. Limiting the amount of information to the user can be accomplished in various methods.

This section of WALL et al. discloses that a processor searches one or more databases to gather information regarding one or more geographical sites within a radius of a given distance of the position coordinates of a user information retrieval device. This section of WALL et al. further discloses that the processor adjusts the given distance and limits the amount of information transmitted to the user information retrieval device. However, neither this section nor any other section of WALL et al. discloses or suggests associating, by the user device, the captured electronic media with the fix point on the map, based on the determined geographic location, as

recited in claim 1 as amended. In fact, this section of WALL et al. does not disclose or suggest that the user information retrieval device associates information (captured by the user information retrieval device) with a fix point on a map but merely discloses that the user information retrieval device receives information gathered by the processor. Moreover, this section of WALL et al. does not disclose or suggest that the information gathered by the processor was captured by the user information retrieval device.

For at least the foregoing reasons, Applicant respectfully submits that claim 1 is not anticipated by WALL et al. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claim 1 under 35 U.S.C. § 102(b) based on WALL et al.

Claims 4 and 5 depend from claim 1. Therefore, these claims are not anticipated by WALL et al. for at least the reasons given above with respect to claim 1. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 4 and 5 under 35 U.S.C. § 102(b) based on WALL et al.

Independent claims 8, 13, 15, and 16 recite features similar to (yet possibly of different scope than) features described above with respect to claim 1. Therefore, Applicants submit that claims 8, 13, 15, and 16 are not anticipated by WALL et al. for at least reasons similar to reasons given above with respect to claim 1. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 8, 13, 15, and 16 under 35 U.S.C. 102(b) based on WALL et al. Moreover, these claims are not anticipated by WALL et al. for reasons of their own.

For example, independent claim 13, as amended, recites, inter alia, an electronic communication device to receive at least one fix point selected by a user, provide a travel scheme to include one or more fix points, where the travel scheme comprises a map, and place

the received at least one fix point on the travel scheme. WALL et al. does not disclose or suggest the above feature of claim 13. WALL et al. is merely directed to a system and method for providing information related to geographical sites based on position coordinates of a user information retrieval device (see, for example, Abstract of WALL et al.). WALL et al. discloses that a processor, in a remote computer, gathers information, relating to geographical sites within a given distance of the position coordinates of the user information retrieval device, to be transmitted to the user information retrieval device (see, for example, Abstract of WALL et al.). WALL et al. does not disclose or suggest that the processor receives at least one fix point, selected by a user, and places the at least one fix point on a map.

Since WALL et al. does not disclose or suggest an electronic communication device to receive at least one fix point selected by a user, provide a travel scheme to include one or more fix points, where the travel scheme comprises a map, and place the received at least one fix point on the travel scheme, WALL et al. cannot disclose or suggest a portable electronic device to associate the captured electronic media with a fix point of the at least one fix point selected by the user, and receive a link from the fix point to the associated electronic media, in relation to the travel scheme, as also recited in claim 13.

For at least the foregoing reasons, Applicant respectfully submits that claim 13 is not anticipated by WALL et al. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claim 13 under 35 U.S.C. § 102(b) based on WALL et al.

Independent claim 15, as amended, recites receiving, from a user device, electronic media, captured by the user device at a geographic location. WALL et al. does not disclose or suggest the above feature of claim 15. WALL et al. is merely directed to a system and method

for providing information related to geographical sites based on position coordinates of a user information retrieval device (see, for example, Abstract of WALL et al.). WALL et al. discloses that a processor, in a remote computer, gathers information, relating to geographical sites within a given distance of the position coordinates of the user information retrieval device, to be transmitted to the user information retrieval device (see, for example, Abstract of WALL et al.). WALL et al. does not disclose or suggest that the processor receives, from the user information retrieval device, electronic media captured by the user information retrieval device at a geographic location, as would be required of WALL et al. based on the Examiner's interpretation of claim 15. WALL et al. does not disclose or suggest receiving, from a user device, electronic media, captured by the user device at a geographic location.

Since WALL et al. does not disclose or suggest receiving, from a user device, electronic media, captured by the user device at a geographic location, WALL et al. cannot disclose or suggest providing a link from the fix point of the at least one fix point to the received electronic media, the link allowing the electronic media to be retrieved upon selection of the fix point, as also recited in claim 15.

For at least the foregoing reasons, Applicant respectfully submits that claim 15 is not anticipated by WALL et al. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claim 15 under 35 U.S.C. § 102(b) based on WALL et al.

Claims 9-12 and 14 depend from claims 8 and 13, respectively. Therefore, these claims are not anticipated by WALL et al. for at least the reasons given above with respect to claims 8 and 13, respectively. Accordingly, Applicant respectfully requests that the Examiner reconsider

and withdraw the rejection of claims 9-12 and 14 under 35 U.S.C. § 102(a) based on WALL et al.

New Claims

New independent claim 20 recites features similar to (yet possibly of different scope than) features described above with respect to claim 1. Therefore, claim 20 is patentable over the applied reference for at least reasons similar to reasons given above with respect to claim 1.

New claims 21 and 22 depend from claim 20. Therefore, claims 21 and 22 are patentable over the applied reference for at least the reasons given with regard to claim 20.

New claims 23 and 24 depend from claim 16. Therefore, claims 23 and 24 are patentable over the applied reference for at least the reasons given with regard to claim 16.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of the application and the timely allowance of the pending claims.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise which could be eliminated through discussions with Applicant's representative, then the Examiner is invited to contact the undersigned by telephone in order to expedite prosecution of this application.

As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such assertions (e.g., whether a reference constitutes prior art, assertions regarding Official Notice, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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